



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RCE 127051
#13/RCE

In re Application of : Toshihiro SUGIURA and Eiji SHIBATA
Serial no. : 09/473,080
Filed : December 28, 1999
For : CABLE BROADCASTING SYSTEM
Group Art Unit : 2611
Examiner : Christopher R. Nalevanko
Docket : ADACHI P181US

RECEIVED

JAN 13 2004

Technology Center 2600

The Commissioner for Patents
U.S. Patent & Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION (RCE)
(37 C. F. R. § 1.114)

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. § 1.114, for the above identified application.

WARNING: 35 U.S.C. § 132(b) and § 1.114 provide for the continued examination of an application and *not* examination of a continuing application). Accordingly, the Office will not permit an applicant to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined. Notice of March 10, 2000, 65 Fed Reg 14865, at 14868. "

WARNING: A continued examination request cannot be made if at least one office action under 35 U.S.C. § 132 or a notice of allowance under 35 U.S.C. § 161 has not been mailed. The provisions of 37 CFR 1.114 also do not apply (1) to a provisional application; (2) an application for a utility or plant patent filed under 35 U.S.C. § 111(a) before June 8, 1995; (3) an international application filed under 35 U.S.C. § 363 before June 8, 1995; (4) a patent under reexamination or (5) an application for a design patent. 37 CFR § 1.114(d).

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) AND 1.10*
(When using Express Mail, the Express Mail label number is **mandatory**;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

Mailing

- ☒ deposited with the United States Postal Service in an envelope addressed to the Assistance Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450
37 C.F.R. § 1.8(a) **37 C.F.R. § 1.10***
☒ with sufficient postage as first class mail. ☐ as "Express Mail Post Office to Addressee"
Mailing Label No. _____
(mandatory)

TRANSMISSION

- ☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

DATE: January 8, 2004

Signature

Michael J. Bujold

(type or print name of practitioner)

01/13/2004 AWONDAF1 00000088 09473080

01 FC:1801
02 FC:1251

770.00 OP
110.00 OP

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

TIME REQUEST IS BEING MADE

2. This request is being submitted (check appropriate item(s) below):

- i. ☒ Prior to abandonment of the application
- ii. ☐ Payment of the issue fee
 - ☐ Prior to payment of issue fee
 - ☐ Issue fee has been paid but a petition under § 1.313 has been granted
- iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences
 - ☐ A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.

NOTE: If such a notice is not sent to the Board then may refuse to vacate a decision rendered after the filing of the RCE but before recognition by the Office of the RCE request under § 1.114.

- iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. § 145 or ☐ Commencement of a civil action under 35 U.S.C. § 146
 - ☐ Prior to the filing of such appeal or commencement of civil action
 - ☐ Such appeal or commencement of civil action has been terminated

ENCLOSURES

3. Enclosed herewith is/are:

WARNING: *If reply to a final or non-final Office action under 35 U.S.C. § 132 is outstanding, the submission must meet the reply requirements of § 1.111. 37 C.F.R. § 1.114(b).*

- ☐ An information disclosure (37 C.F.R. § 1.98)
 - ☐ Form PTO-1449 (PTO/SB/08A and 08B)
- ☐ An amendment
- ☐ New arguments
- ☐ New evidence in support of patentability
- ☒ Other: Please consider the response filed under a November 12, 2003 certificate of transmission.

FEE FOR REQUEST (37 C.F.R. § 1.17(e)).

4. This application is on behalf of:

- ☐ Small entity (and status is still as small entity) \$385.00
- ☒ Other than a small entity \$770.00

Continued Prosecution Request Fee \$ 770.00

09/473,080

FEE FOR CLAIMS

NOTE: "The fee for continued examination under § 1.114 (§ 1.17(e)) does not include additional claims fee (cf. 1.53 (d)(3)(iii))."
See Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

37 CFR 1.53 (d)(3): "The filing fee for a continued prosecution application filed under this paragraph is:
(i) The basic filing fee as set forth in § 1.16; and
Any additional § 1.16 fee due based on the number of claims remaining in the application after entry of any amendment accompanying the request for an application under this paragraph and entry of any amendments under § 1.116 unentered in the prior application which applicant has requested to be entered in the continued prosecution application."

5. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY	OTHER THAN A SMALL ENTITY
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA RATE	ADDIT. FEE OR RATE	ADD IT. FEE
TOTAL	4	MINUS 20	= -0-	x \$9= \$	x \$18= \$-0-
INDEP.	1	MINUS 3	= -0-	x \$43= \$	x \$86= \$-0-
□ FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			-0-	+ \$145= \$	+\$290= \$-0-
			TOTAL ADDIT. FEE	\$	OR TOTAL ADDIT. FEE \$-0-

* If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.

** If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".

*** IF the "Highest No. Previously Paid for" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid for" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: See 37 C.F.R. § 1.116.

(complete (a) or (b), as applicable)

(a) ☒ No additional fee is required.

OR

(b) ☐ Total additional fee required is \$_____.